

**Notice of Allowability****Application No.**

09/672,923

**Applicant(s)**

FERRARO, MICHAEL

**Examiner**

Pedro J. Cuevas

**Art Unit**

2834

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *After Final amendment filed on January 28, 2003.*
2. ☒ The allowed claim(s) is/are 19,21 and 34-37.
3. ☒ The drawings filed on 28 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 19, 21, and 34-37 are allowed.
2. The following is an examiner's statement of reasons for allowance.

Levine clearly teaches the construction of a power system comprising a tube cluster comprising:

a central outlet tube having a narrowed center for channeling an upward flowing airflow and heat-radiating surfaces;

a plurality of inlet tubes each being defined by a cylindrical wall; and

including a turbine in the outlet tube narrowed center to be driven by the airflow.

Yen teach the construction of a tornado-type wind turbine having a collector end located at a distance from said central tube, communicating with said central outlet tube for delivering air flow from said inlet tube collector end to said central outlet tube.

Vail, Jr. teach the construction of a swiveling wind scoop having a sail with the bottom end extending along a curved boom.

Levine in view of Yen, further in view of Vail, Jr. teaches the construction of a power system having:

a plurality of wind collector assemblies, each attached to a collector end of an inlet tube, and comprising:

a vertical mast,

a curved boom,

a flexible sail connected at its top end to the mast and at its bottom end to the curved boom, and

a steering sail for orienting said wind collector assembly.

Doolittle teaches the construction of a tensioning mechanism, the tensioning mechanism connected to said curved boom and to said bottom end of the sail, the tensioner comprising: a counterbalance weight and a cable affixed on one end to said bottom end of said sail, and affixed on an other end to said counterbalance weight, said counterbalance weight providing a constant tension on said sail for the purpose of adjusting the downhaul tension and/or outhaul tension.

The prior art of record fails to disclose a wind power generating device as described on independent claims 34-37, having:

a spring loaded, damped drum;

a wound cable affixed on one end to said bottom end of said sail and affixed on another end to said drum, said drum providing constant tension on said sail;

a mechanism for reducing the area of the sail presented to the ambient wind airflow in response to a predetermined load on the sail; and

a collector loop slidably connected to said mast, said loop being movable downwardly along said mast in response to a predetermined load on said sail thereby substantially reducing the area of said sail presented to the ambient air flow.

Dependent claims 19 and 21 are considered allowable by their dependence on allowed independent claim 35.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R. Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
May 15, 2003

